

Town of Danville

32-72.13 Certificate Required. No person may alter the exterior or remove or relocate any improvement, or any portion thereof, which has been designated a heritage resource under Division 2 without first obtaining a certificate of approval under this Division. (Ord. #89-8, §8-5813)

32-72.14 Application Fee and Form.

- a. The Building Official shall report any application or a permit to work on a designated heritage resource to the Chief of Planning along with an application for a certificate of approval in a form prescribed by the Town. The application shall include the following:
 1. The name, address and telephone number of the applicant;
 2. The location of the property with a colored photo;
 3. A concise statement of the nature and extent of the proposed work;
 4. Plans and specifications showing the proposed exterior appearance;
 5. Color and texture of materials; and
 6. Other necessary information requested by the Chief of Planning.The application requirements may be reduced if, in the judgment of the Chief of Planning, certain items are not necessary to review the application.
- b. The completed application shall be accompanied by a fee in an amount established by Town Council resolution to cover the administrative costs of processing. (Ord. #89-8, §8-5814)

32-72.15 Standards for Review. The following standards apply to review of a certificate of approval application.

- a. The proposed work should not adversely affect the exterior architectural features of the building, site, or the special character, interest or value of its neighboring improvements and surroundings, including facade, setback, roof shapes, scale, height and relationship of material, color and texture.
- b. The reviewing body shall be guided by the most current revision of the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings," and the State Historic Building Code, which deals with as many aspects of alternative approaches to the prevailing codes as possible, including structural, fire, safety, handicapped requirements and the use of archaic materials. Both publications are incorporated herein by reference.
- c. The reviewing body shall also be guided by any written design guidelines which have been adopted by the Heritage Resource Commission or Town Council as applicable to a heritage resource.
- d. The Heritage Resource Commission shall make recommendations to the applicant concerning change, if any, in the proposed action that would cause the Commission to reconsider its denial and shall confer with the applicant and attempt to resolve the differences as quickly as possible. An applicant may re-submit an amended application or reapply for a building or demolition permit that takes into consideration the recommendations of the Commission. (Ord. #89-8, §8-5815)

32-72.16 Review and Determination.

- a. Review of Minor Alterations.
 1. The Chief of Planning, or his or her designee, shall review the completed application within ten (10) working days after receipt. If the proposed work meets the minimum design standards in subsection 32-72.15, the Chief of Planning shall approve the application and notify the Heritage Resource Commission of such action.
 2. If, in the judgment of the Chief of Planning, the proposed work does not meet the standards, the Chief of Planning shall forward the application to the Heritage Resource Commission for its review and determination. The Heritage Resource Commission shall make its decision within sixty (60) days after receipt of the application.
- b. Review of Major Alterations. Within ten (10) working days after receipt, the Chief of Planning shall forward the completed application to the Heritage Resource Commission for its review and determination. Heritage Resource Commission shall make its decision within sixty (60) days after receipt of the application.

- c. Determination. The reviewing body shall either issue the certificate of approval or advise the applicant in writing of the reasons for denial within ten (10) days of its decision. (Ord. #89-8, §8-5816)

32-72.18 Demolition.

- a. If an application is for demolition, the Town may suspend issuance of a demolition permit or certificate of approval for one hundred eighty (180) days to allow the Heritage Resource Commission to take such steps as it deems necessary to preserve or restore the structure concerned. Such steps may include consultation with civic groups, public agencies and interested citizens, exploration of the possibility of moving one (1) or more structures or other features and recommendations for acquisition of the property by public or private agencies.
- b. In order to properly evaluate the potential loss of the structure, the Heritage Resource Commission shall take into consideration the economic feasibility of the alternatives to the proposal and balance the interest of the public with the interest of the owner of the structure.
- c. If the application for demolition is approved, the permit shall not be activated until the building permit for the replacement structure is approved by the Chief of Planning, unless the heritage resource is in an unsafe or dangerous condition. (Ord. #89-8, §8-5818)

City of Davis

Section 40.23.080 Alteration permits.

- a. No exterior alterations shall be made by any person to a historical resource, an outstanding historical resource, or improvement located in a historic district without an alteration permit approved by the historical resources management commission or on appeal by the city council, nor shall the building official or planning commission grant any permit to carry out such work on a historical resource, an outstanding historical resource, or improvement located in a historic district without the prior issuance of an alteration permit.
- b. The historical resources management commission is hereby given the authority to delegate certain minor projects to the city staff for review and approval or denial. The historical resources management commission shall establish guidelines for such projects to be reviewed by city staff. Appeals of city staff decisions shall follow the procedures established in chapter 40, article 40.37. (Ord. No. 1270, § 2 (part); Ord. No. 1375, § 1; Ord. No. 1784, § 1 (part).)

Section 40.23.090 Alteration permit standards of review.

The historical resources management commission shall promulgate and publish such standards as are necessary to supplement the provisions of this article to inform property owners, tenants and the general public of those standards of review by which applications for alteration permits are to be judged. Any such standards shall be approved by the city council. In evaluating applications for alteration permits, the commission or the city council upon appeal shall consider the architectural style, design, arrangement, texture, materials, color, and any other factors. The commission or the city council upon appeal shall approve the issuance of an alteration permit for any proposed work if and only if it finds:

- a. With regard to a historical resource or outstanding historical resource, the proposed work will neither adversely affect the exterior architectural features of the resource nor adversely affect the character or historical, architectural, or aesthetic interest or value of such resource and its site.
- b. With regard to any property located within a historic district, the proposed work conforms to the prescriptive standards for the district adopted by the commission, and does not adversely affect the character of the district. (Ord. No. 1270, § 2 (part); Ord. No. 1784, § 1 (part).)

Section 40.23.100 Alteration permit procedures.

- a. Filing of Application. Applications for alteration permits shall be filed with the secretary to the commission development department for processing. Applications shall include plans and specifications showing the proposed exterior appearance, color and texture of materials, and the proposed architectural design of the exterior of the structure. Where required by the commission, applications shall also show the relationship of the proposed work to the environs. The application shall be accompanied by any other information that the commission determines is required for them to make an informed judgment of the proposed work according to the standards of review in section 40.23.090.

- b. **Public Hearing.** The secretary to the commission or the historical resources management commission may set a public hearing if, in the opinion of the secretary to the commission, a hearing would be in the public interest. The commission shall establish guidelines for determining which types of applications should be set for public hearing. If a public hearing is scheduled before the commission, it shall be held not more than ninety days from the date a complete application has been received by the secretary to the commission. Notice of the date, place, time, and purpose of the hearing shall be given by first class mail to the applicants, owners, and occupants of all properties within three hundred feet of the property for which application has been made, at least ten days prior to the date of the public hearing, using the name and address of the owners as shown on the latest equalized assessment rolls or in other ownership records, and shall be advertised once in a daily newspaper of general circulation at least ten days in advance of the public hearing. The commission and city council may also give other notice as they may deem desirable and practicable. Failure to send any notice by mail to any property owner where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with an alteration permit.
- c. **Action by Commission.** Within ninety days of the filing of a complete application for an alteration permit, or thirty days after a public hearing, whichever is later, the historical resources management commission shall complete its review and make a decision. In reaching its decision, the commission may hold joint meetings or joint public hearings with other city commissions and may seek technical advice from outside its own members. The decision of the commission shall be based upon the standards of review in section 40.23.090 and any additional standards recommended by the commission and approved by the city council. The commission shall approve an application, disapprove it, or approve it subject to conditions, specified changes, or additions. Failure of the commission to act upon any complete application within ninety days of its filing, or thirty days after a public hearing, whichever applies, shall be deemed to be approval of the application. The applicant requesting approval of proposed work shall be notified in writing in advance of the hearing, and notified of the action taken. The decision shall be in writing and shall state the reasons for the decision. If the decision is to approve the application, with or without conditions, changes, or additions, the alteration permit shall be issued by the secretary to the commission to the applicant, and a copy shall be sent to the building official. The alteration permit shall not become effective until fifteen days after the decision of the commission, in order to prohibit work beginning during the period in which an appeal may be filed.
- d. **Demolitions.** When application is made for an alteration permit to demolish an outstanding historical resource, the commission's disapproval of the application shall mean that no alteration permit shall be issued. When application is made for an alteration permit to demolish any other historical resource, the commission's disapproval of the application shall mean that the issuance of the alteration permit shall be suspended according to the following procedure: The commission's disapproval shall suspend the issuance of an alteration permit for a period of not less than thirty and not more than one hundred eighty days, during which time the commission shall take steps within the scope of its powers and duties as it determines are necessary for the preservation of the site. Such steps may include, but shall not be limited to, consultation with civic groups, public agencies, and interested citizens; recommendations for acquisition of the property by public or private bodies or agencies; and exploration of the possibility of moving one or more structures or features. At the end of the first thirty days, the commission may withdraw its objection to the proposed demolition. If the commission determines to withdraw its objection and approve the demolition, the alteration permit may be issued. If at the end of the first one hundred days of the aforesaid one hundred eighty-day period it is found that the preservation of the site or structure cannot be fully accomplished within the one hundred eighty-day period, and the commission determines that such preservation can be satisfactorily completed within an additional period not to exceed one hundred eighty days, the commission may recommend to the city council that an additional one hundred eighty-day postponement of the issuance of the alteration permit be allowed. The city council may authorize such postponement when it appears that the historical resource may be protected or preserved by reason of such postponement. In no

event shall issuance of an alteration permit for a demolition be postponed for more than a total of three hundred sixty days after said permit is applied for. (Ord. No. 1270, § 2 (part); Ord. No. 1314, § 2; Ord. No. 1784, § 1 (part).)

City of Eureka

157.06 Designation, Alteration and Demolition Procedure.

- A. Any application to change the status of a property or district under § 157.05 of this chapter or to alter or demolish a designated property under § 157.07 of this chapter shall be made to the Historic Preservation Commission, in the form (if any) which that commission requires, and shall include such information and materials as that Commission requires. The Commission may itself initiate a change in status of a property or district.
- B. The Historic Preservation Commission shall hold at least one public hearing on each complete application which is received pursuant to division (A) of this section, and on each change in status of a property or district initiated by the Commission. Notice of the hearing shall be given as follows:
 - 1. Notice of the hearing shall be mailed or delivered at least 10 days prior to the hearing to the owner of each subject property, including all properties within an affected district, or the owner's duly authorized agent, and to the project applicant, if not the owner;
 - 2. Notice of the hearing shall be mailed or delivered at least 10 days prior to the hearing to all owners of real property as shown on the latest equalized assessment roll within 300 feet of the real property or properties that is or are the subject of the hearing. In lieu of utilizing the assessment roll, the local agency may utilize records of the County Assessor or Tax Collector which contain more recent information than the assessment roll; and,
 - 3. The notice shall either be:
 - a. Published in at least one newspaper of general circulation within the city, at least 10 days prior to the hearing; or,
 - b. Posted at least 10 days prior to the hearing in at least three public places within the city, including one public place in the area directly affected by the proceeding.
 - 4. In addition to the notice required by this section, the city may give notice of the hearing in any other manner it deems desirable.
- C. The owner of any affected property or any other person may appeal the decision of the Historic Preservation Commission concerning the status of a property or district to the City Council upon the same terms and conditions as would apply for appeal of a use permit pursuant to § 155.287(A) of this title. Notice of such City Council hearings shall be given and the hearings shall be conducted and decisions rendered pursuant to the rules contained in §§ 155.288, 155.289 and 155.290 of this title. The owner of any affected property or any person residing in, or person or entity doing business in, the city, may appeal the decision of the Historic Preservation Commission concerning a demolition or alteration pursuant to this chapter.
- D. Nothing in this section shall prohibit the immediate demolition of a structure that is deemed to be an eminent threat to life or property as the result of an emergency as defined in this chapter. (Ord. 607-C.S., passed 3-19-96)

157.07 Standards for Alterations and Demolitions.

- A. No structure on an eligible property shall be demolished unless the city shall make one of the following findings, following notice to the extent required by § 157.06 of this chapter and hearing(s) pursuant to this chapter.
 - 1. The property is unsafe or a hazard to the public as a result of an unforeseen event such as a fire or earthquake;
 - 2. Taking into account the potential value to the owner of the property of all available city and other accommodations and incentives (including without limitation transferable development rights, zoning ordinance modifications, alternative building code standards or provisions, loans, grants, reimbursements and tax reductions) either:
 - (a) The current or most recent use of the property is not permitted under the current planning code (except as a nonconforming use) and adaptive reuse is not economically feasible;

- (b) The adverse impact on the owner of the property is unreasonably large in comparison to the public benefit from denying demolition; or,
 - (c) Denying permission to demolish would result in a taking or would violate state or federal law; or,
- 3. Demolition must be allowed pursuant to the State Housing Law (Cal. Health and Safety Code §§ 17900 et seq.) or other applicable state or federal law.
- b. Conditions may be imposed on demolition to the extent authorized by any other applicable law or this chapter, including without limitation the following:
 - 1. Documentation may be required of any structure to be demolished and/or for the property;
 - 2. Historic Preservation Review and Historic Preservation Commission approval may be required for any subsequent development at the property;
 - 3. Demolition may be delayed for up to 90 days to allow time to identify a prospective buyer for the property, to identify a third party interested in relocating the affected structure or to allow the city to determine whether to begin eminent domain procedures, and for up to an additional 90 days to allow completion of the purchase or relocation or commencement of a judicial condemnation action if, within the initial 90 days a buyer or third party is identified or the city determines to begin eminent domain procedures. In the case of purchase or relocation by a third party, demolition may be denied where a third party willing and able to purchase the property or relocate the structure within the time established by this subdivision is identified and makes a bona fide offer to purchase the property or structure at fair market value, as determined by appraisal.
 - 4. With respect to demolition of a structure on a district property, the city shall take into account the importance of an affected structure to the integrity of the district, and may: limit the size of new development to that of the existing structure; require that the scale of new development be harmonious with other structures which contribute to the district's character; require retention or reconstruction of one or more facades; and/or require that any replacement structure be of like kind or quality to the demolished structure and contribute to the integrity of the preservation district.
- C. No structure on an eligible property shall be altered unless the alteration is approved by the city, following notice to the extent required by § 157.06 of this chapter and hearing(s) pursuant to this chapter. The Historic Preservation Commission may adopt guidelines for alterations and review of alteration applications, applicable specifically to designated properties and/or district properties.
 Except to the extent such guidelines provide differently, a proposed alteration shall be considered in light of its effect on the existing character of the affected structure as it relates to the streetscape. (Ord. 607-C.S., passed 3-19-96) Penalty, see § 150.999

City of Fresno

13-412. Historic Resource Permit Review Process.

- a. It shall be unlawful for any person, corporation, association, partnership or other legal entity to directly or indirectly alter, remodel, demolish, grade, remove, construct, reconstruct or restore any Historic Resource without first obtaining a city permit and the written approval of the Historic Preservation Commission.
- b. Upon receipt of an application or proposal for a demolition, grading, removal or building permit for any Historic Resource, the city department or agency receiving same shall, within five (5) calendar days, notify the Secretary and forward said permit application or proposal and accompanying documentation to the Secretary and shall not process the application or proposal without the authorization of the Specialist. The Specialist may approve, in the name of the Commission, non-substantial alterations to the Historic Resource based on the application presented.
- c. Any application or proposal which proposes the substantial alteration of an Historic Resource shall also be referred to the Director of the Development Department for environmental review. No hearing shall be held by the Commission for applications or proposals to demolish, grade, remove or substantially alter the Historic Resource until such application or

proposal has undergone environmental review in accordance with the California Environmental Quality Act.

- d. Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on any Historic Resource covered by this article that does not involve a change in design, materials or external appearance.
- e. Nothing in this section shall be construed to prevent the Director of the Development Department from issuing a building permit if he or she determines that demolition, removal or substantial alteration of the Historic Resource is immediately necessary to protect the public health, safety or general welfare.
- f. Upon completion of any required environmental review and thirty (30) calendar days prior to a scheduled hearing, the owner or applicant shall provide whatever detailed information (plans, drawings, agreements, etc.) is required or necessary to describe the intended work. The Specialist may require additional information determined to be necessary for the Commission to act on the matter. The Specialist shall refer the matter to the Commission with a report and recommendation which is accompanied by the final environmental document.
- g. After consideration of the final environmental document, all evidence and testimony, the Commission shall have the authority to approve, deny or approve with modifications, any application or proposal.
- h. No application or proposal shall be approved or approved with modifications unless the Commission makes the following findings:
 - 1. The proposed work is found to be consistent with the purposes of this article and the Secretary of the Interior's Standards, not detrimental to the special historical, architectural or aesthetic interest or value of the Historic Resource; or
 - 2. The action proposed is necessary to correct an unsafe or dangerous condition on the property; or
 - 3. Denial of the application will result in unreasonable economic hardship to the owner. In order to approve the application, the Commission must find facts and circumstances, not of the applicant's own making, which establish that there are no feasible measures that can be taken that will enable the property owner to make a reasonable economic beneficial use of the property or derive a reasonable economic return from the property in its current form; or
 - 4. The site is required for a public use which will directly benefit the public health, safety and welfare and will be of more benefit to the public than the Historic Resource.
- 5. For applications for relocation of an Historic Resource, the Commission shall find that one or more of the above conditions exist, that relocation will not destroy the historical, architectural or aesthetic value of the Resource and that the relocation is part of a definitive series of actions which will assure the preservation of the Resource.
- i. Any finding that denial of the application or proposal will result unreasonable economic hardship to the owner, pursuant to Section 13-412(h)(3) above, may be based upon the application of the following factors:
 - 1. Any economic feasibility analysis conducted pursuant to this section shall include the determination of an after-rehabilitation value of the property calculated on an income approach utilizing the capitalization rate determined appropriate by the Director of the Development Department. This after-rehabilitation value shall be determined in the following manner:
 - i. The potential residential or commercial rental rate(s) which could be generated by the property after an appropriate rehabilitation shall be determined by a review of current market rates for comparable properties within comparable neighborhoods.
 - ii. The potential annual net income that could be generated by the property after an appropriate rehabilitation, taking into consideration standard vacancy and expense factors, shall be determined.
 - iii. The appropriate capitalization rate shall be applied to the potential annual net income to determine the after-rehabilitation value of the property.
 - 2. The fair market value of the land, exclusive of improvements and without development restrictions pursuant to this ordinance, shall be determined by a standard appraisal.

3. The monetary cost of an appropriate rehabilitation of the resource, in accordance with the standards of this ordinance, shall be determined by professionals qualified to make such a determination.
 4. If the fair market value of the land, combined with the costs of rehabilitation, exceed the after-rehabilitation value of the property by more than twenty percent, the Commission shall find that denial of the application will result in an unreasonable economic hardship to the owner.
 - j. If the Commission determines a permit should not be issued for the demolition, alteration, relocation or new construction, or the Council on appeal concurs, a new application affecting the same property may be submitted during the twelve (12) month period after the disapproval only if a substantial change is made in the plans for the project.
 - k. The Specialist shall give written notice of the decision regarding the regulated permit to the property owner/applicant and to the Director of the Development Department. The notice shall contain the Commission's findings in support thereof.
- 13-413. Historic District Permit Review Process.
- a. It shall be unlawful for any person, corporation, association, partnership or other legal entity to directly or indirectly alter, remodel, demolish, grade, remove, construct, reconstruct or restore any property within any Historic District without first obtaining a city permit, review by the appropriate Design Review Committee and the written approval of the Historic Preservation Commission.
 - b. Upon receipt of an application or proposal for a demolition, grading, removal or building permit for any property within any Historic District, the city department or agency receiving same shall, within five (5) calendar days, notify the Secretary and forward said permit application or proposal and accompanying documentation to the Secretary and shall not process the permit or proposal without the authorization of the Specialist. The Specialist may approve, in the name of the Commission, non-substantial alterations to the property based on the application presented.
 - c. Any application which proposes the substantial alteration of any property within any Historic District shall also be referred to the Director of the Development Department for environmental review. No hearing shall be held by the Commission for applications which propose to demolish, grade, remove or substantially alter a property within any Historic District until such proposal has undergone environmental review in accordance with the California Environmental Quality Act.
 - d. Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on any property covered by this article that does not involve a change in design, materials or external appearance.
 - e. Nothing in this section shall be construed to prevent the Director of the Development Department from issuing a building permit if he or she determines that demolition, removal or substantial alteration of a property within any Historic District is immediately necessary to protect the public health, safety or general welfare.
 - f. Upon completion of any required environmental review and thirty (30) calendar days prior to a scheduled hearing, the owner or applicant shall provide whatever detailed information (plans, drawings, agreements, etc.) is required or necessary to describe the intended work. The Specialist may require additional information determined to be necessary for the Commission to act on the matter. The Specialist shall refer the matter to the Commission with a report and recommendation which is accompanied by the final environmental document.
 - g. After consideration of the final environmental document, all evidence and testimony, the Commission shall have the authority to approve, deny or approve with modifications, any proposed application or permit application.
 - h. No application shall be approved or approved with modifications unless the Commission makes the following findings:
 1. For a Contributor to any Historic District, the proposed work is found to be consistent with the general purposes of this article and the Secretary of the Interior's Standards, not detrimental to the special historical, architectural or aesthetic interest or value of the Contributor or the respective Historic District in general and consistent with the District's adopted design standards; or

2. For a Non-Contributor to any Historic District, the proposed work is found not detrimental to the historical or architectural values of the respective Historic District in general and consistent with the District's adopted design standards; or
 3. For new in-fill construction within any Historic District, the proposed work is found not detrimental to the historical or architectural values of the respective Historic District in general and consistent with the District's adopted design standards; or
 4. The action proposed is necessary to correct an unsafe or dangerous condition on the property; or
 5. Denial of the application will result in unreasonable economic hardship to the owner. In order to approve the application, the Commission must find facts and circumstances, not of the applicant's own making, which establish that there are no feasible measures that can be taken that will enable the property owner to make a reasonable economic beneficial use of the property or derive a reasonable economic return from the property in its current form; or
 6. The site is required for a public use which will directly benefit the public health, safety and welfare and will be of more benefit to the public than the Contributor to the respective Historic District.
 7. For applications for relocation of a Contributor from any Historic District, the Commission shall find that one or more of the above conditions exist, that relocation will not destroy the historical, architectural or aesthetic value of the resource and that the relocation is part of a definitive series of actions which will assure the preservation of the resource.
- i. Any finding that denial of the permit application will result in unreasonable economic hardship to the owner, pursuant to Section 13-413(h)(5) above, may be based upon the application of the following factors:
1. Any economic feasibility analysis conducted pursuant to this section shall include the determination of an after-rehabilitation value of the property calculated on an income approach utilizing the capitalization rate determined appropriate by the Director of the Development Department. This after-rehabilitation value shall be determined in the following manner:
 - i. The potential residential or commercial rental rate(s) which could be generated by the property after an appropriate rehabilitation shall be determined by a review of current market rates for comparable properties within comparable neighborhoods.
 - ii. The potential annual net income that could be generated by the property after an appropriate rehabilitation, taking into consideration standard vacancy and expense factors, shall be determined.
 - iii. The appropriate capitalization rate shall be applied to the potential annual net income to determine the after-rehabilitation value of the property.
 2. The fair market value of the land, exclusive of improvements and without development restrictions pursuant to this ordinance, shall be determined by a standard appraisal.
 3. The monetary cost of an appropriate rehabilitation of the resource, in accordance with the standards of this ordinance, shall be determined by professionals qualified to make such a determination.
 4. If the fair market value of the land, combined with the costs of rehabilitation, exceed the after-rehabilitation value of the property by more than twenty percent, the Commission shall find that denial of the application will result in an unreasonable economic hardship to the owner.
- j. A decision relating to the approval with modifications or disapproval of an application for any permit may be appealed pursuant to section 13-415 of this article.
- k. If the Commission determines a permit should not be issued for the demolition, alteration, relocation or new construction, or the City Council on appeal concurs, a new application affecting the same property may be submitted during the twelve (12) month period after the disapproval only if a substantial change is made in the plans for the project.
- l. The Specialist shall give written notice of the decision regarding the regulated permit to the property owner/applicant and to the Director of the Development Department. The notice shall contain the Commission's findings in support thereof.

13-414. Heritage Property Permit Review Process.

- a. It shall be unlawful for any person, corporation, association, partnership or other legal entity to directly or indirectly alter, remodel, demolish, grade, remove, construct, reconstruct or restore the Heritage Property without first obtaining a city permit and the written approval of the Historic Preservation Commission.
- b. Upon receipt of an application or proposal for a demolition, grading, removal or building permit for a Heritage Property, the city department or agency receiving same shall, within five (5) calendar days, notify the Secretary and forward said permit application or proposal and accompanying documentation to the Specialist and shall not process the permit or proposal without the authorization of the Specialist. The Specialist may approve, in the name of the Commission, non-substantial alterations to the Heritage Property based on the application presented.
- c. Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on any property covered by this section that does not involve a change in design, materials or external appearance.
- d. Nothing in this section shall be construed to prevent the Director of Development from issuing the appropriate permit if he or she determines that demolition, removal or substantial alteration of the Heritage Property is immediately necessary to protect the public health, safety or general welfare.
- e. The State Historical Building Code may be used, in conjunction with any other applicable codes, for any rehabilitation and/or improvements to the Heritage Property as deemed appropriate by the Director of Development.
- f. The Heritage Property may be brought before the Commission for designation as a Historic Resource in accordance with the provisions of Section 13-407.1 of this article and, if so designated, the property shall thereafter be subject to all provisions pertaining to designated Historic Resources under this article.

City of Glendale

15.20.080 Permit required for demolition, removal or major alterations of historic resources.

- A. No person shall demolish, remove, or make major alterations to any designated historic resource without first obtaining a permit. An application for such permit shall be filed with the permit services administrator who shall thereupon transmit same to the historic preservation commission. The historic preservation commission may require that the application for permit be supplemented by such additional information or materials as may be necessary for a complete review by the historic preservation commission. The commission may impose such reasonable conditions or restrictions as it deems necessary or appropriate on a case-by-case basis to promote or achieve the purpose of this code. If a permit applicant provides evidence that the cost of complying with a condition of approval is not economically feasible, the commission may require that all conditions be met within a period of up to five years. The commission shall not approve a request for demolition except upon written findings after a public hearing that denial of the requested demolition will deprive the owner of substantially all reasonable use of the property, or that demolition will not have a significant effect on the achievement of the purpose of this chapter;
- B. No permit to demolish a historic resource may be issued without the issuance of a building permit for a replacement structure or project for the property involved; and
- C. Upon approval of a demolition permit the matter will be referred to city council for deletion from the register of historic resources pursuant to Sections 15.20.055 and 15.20.060. (Ord. 5110 § 16, 1996: prior code 21-04)

Town of Los Gatos

29.80.255. Conformity required.

Construction, alteration, demolition or removal work for which a Town permit is required is prohibited on a designated landmark site or in a designated historic district unless approval by the deciding body has been granted as provided in sections 29.80.260 through 29.80.300, or unless the work conforms with the provisions of section 29.80.310. (Ord. No. 1316, 4.86.110, 6-7-76; Ord. No. 1375, 11-21-77; Ord. No. 2041, IV, 2-2-98)

29.80.260. Permit required.

No person shall do any work listed below without first obtaining the required planning approval:

1. Exterior alteration to a designated landmark, property in an historic district or pre-1941 structure consisting of any construction, addition, demolition, restoration or rehabilitation.
2. Interior alterations that would affect the exterior of a designated landmark, a structure in an historic district or a pre-1941 structure.
3. Construction of any type on a landmark site or within a historic district unless excepted by the designating ordinance, or of a type which does not affect the exterior appearance of the site, district or any structure on the site or in the district. (Ord. No. 1316, 4.86.120, 6-7-76; Ord. No. 1375, 11-21-77; Ord. No. 2041, IV, 2-2-98)

29.80.265. Application for permit.

Applications for architecture and site approval, a minor residential development permit or minor historic development permit, shall include plans and specifications showing the proposed exterior appearance, color and texture of materials, and the proposed architectural design of the exterior of the structure. Where required by the deciding body, applications shall also show the relationship of the proposed work to the environs. (Ord. No. 1316, 4.86.130, 6-7-76; Ord. No. 1328, 8-2-76; Ord. No. 1375, 11-21-77; Ord. No. 2041, IV, 2-2-98)

29.80.275. Notice.

In addition to the notice required by section 29.20.450, written notice shall be given to the Los Gatos Heritage Preservation Society. (Ord. No. 1316, 4.86.150, 6-7-76; Ord. No. 1328, 8-2-76; Ord. No. 1626, 8-6-84)

29.80.280. Decision.

The Planning Commission shall consider any report from the Historic Preservation Committee and shall ascertain whether the proposed work conforms to this chapter and to the provisions of the designating ordinance. (Ord. No. 1316, 4.86.160, 6-7-76; Ord. No. 1328, 8-2-76; Ord. No. 1375, 11-21-77; Ord. No. 1626, 8-6-84; Ord. No. 2041, IV, 2-2-98)

29.80.285. Suspended action.

To obtain sufficient time for steps necessary to preserve the structure concerned, the Planning Commission may suspend action on an architecture and site approval application to permit construction, alteration, demolition or removal for a period not to exceed one hundred eighty (180) days. The Council may, by resolution, extend the suspension for an additional period not to exceed one hundred eighty (180) days, if the resolution is adopted not more than ninety (90) days and not less than thirty (30) days prior to the expiration of the original one-hundred eighty-day period. During the suspension period, the Planning Commission may consult with the Historic Preservation Committee, the Los Gatos Heritage Preservation Society and other civic groups, public agencies and interested citizens, make recommendations for acquisition of property by public or private bodies or agencies, explore the possibility of moving one (1) or more structures or other features, and take any other reasonable measures. (Ord. No. 1316, 4.86.170, 6-7-76; Ord. No. 1328, 8-2-76; Ord. No. 1375, 11-21-77; Ord. No. 1626, 8-6-84)

29.80.290. Standards for review.

In evaluating applications, the deciding body shall consider the architectural style, design, arrangement, texture, materials and color, and any other pertinent factors. Applications shall not be granted unless:

1. On landmark sites, the proposed work will neither adversely affect the exterior architectural characteristics or other features of the landmark (and, where specified in the designating ordinance for a publicly owned landmark, its major interior architectural features) nor adversely affect the character of historical, architectural or aesthetic interest or value of the landmark and its site.
2. In historic districts, the proposed work will neither adversely affect the exterior architectural characteristics or other features of the property which is the subject of the application, nor adversely affect its relationship, in terms of harmony and appropriateness, with its surroundings, including neighboring structures, nor adversely affect the character, or the historical, architectural or aesthetic interest or value of the district.
3. For pre-1941 structures, the proposed work will neither adversely affect the exterior architectural characteristics or other features of the property which is the subject of the application.

In any event applications shall not be granted for work which violates standards included in the designating ordinance or pre-1941 design guidelines. (Ord. No. 1316, 4.86.180, 6-7-76; Ord. No. 1375, 11-21-77; Ord. No. 1914, II, 10-19-92; Ord. No. 2041, IV, 2-2-98)

29.80.295. Exemptions for reconstruction.

Reconstruction of a designated structure shall be exempt from setback and height requirements if it is rebuilt as originally constructed, except for modifications approved in the permit. (Ord. No. 1316, 4.86.185, 6-7-76; Ord. No. 1546, 8-16-82; Ord. No. 2041, IV, 2-2-98)

City of Pasadena

2.75.180 Demolition, relocation or alteration of a historic treasure.

- A. No person may demolish, relocate or alter a historic treasure without first obtaining a certificate of appropriateness from the commission. An application for a certificate shall be filed with the director and transmitted to the commission for action.
- B. The commission shall deny the application for a certificate if it finds that the proposed work does not comply with the Secretary's Standards.
- C. If the commission's denial of a certificate for a historic treasure is appealed to the city council, the council may reverse the commission's decision only upon finding that denial of the applicant's request would impose extreme hardship, or that the commission has misapplied the Secretary's Standards. (Ord. 6610 § 2I, 1994: Ord. 6229 § 2 (part), 1987)

2.75.200 Demolition, relocation or alteration of designated landmarks, and the works of Greene and Greene.

- A. Any person wishing to demolish, relocate or alter a designated landmark, or to demolish, relocate, alter or remove exteriors or fixtures from any structure or portion thereof designed by the firm of Greene and Greene, including works of Charles Greene or Henry Greene, must first obtain a certificate of appropriateness from the commission. An application for a certificate shall be filed with the director and transmitted to the commission for action.
- B. In considering the application the commission shall make preliminary findings with respect to whether the proposed work is in conformance with the Secretary's Standards. If the commission finds the proposed work is in conformance with the Standards, the director shall issue the certificate. If the commission finds the proposed work is not in conformance with the Standards, it may require an initial review period not to exceed 45 days from the date of the meeting.
- C. During the 45-day review period, the commission shall investigate the feasibility of preservation of the site, structure or fixtures, and shall take such steps within the scope of its powers and duties as it determines are necessary for preservation.
- D. No later than the end of 45 days, the commission shall review the progress made towards preservation of the site, building or fixtures. At this review, the commission shall determine if additional time is needed to accomplish preservation and may impose an initial stay on issuance of the certificate not to exceed 180 days.
- E. Prior to the end of the initial 180-day stay, the commission shall review again the progress made towards preservation of the site, building or fixtures. If such preservation has not been accomplished, but the commission determines that it may be accomplished thereafter, the commission may extend the stay for an additional period not to exceed 180 days. When imposing a second 180-day stay, the commission shall set forth the reasons for the stay and describe the progress to date of the steps to preserve the site, building or fixtures. Any such extension shall be supported by findings that such extension is solely to allow the completion of acts reasonably likely to achieve preservation.
- F. The commission may waive all or a portion of the required stay period if it determines that the alteration or relocation is undertaken subject to conditions assuring the continued maintenance of the historic, architectural or cultural integrity of the site, building or fixtures. For designated landmarks only, the commission may reduce the stay period in any case where the owner would suffer extreme hardship, not including loss of profit, unless a reduction in the required period was allowed. (Ord. 6610 § 2L, 1994: Ord. 6229 § 2 (part), 1987)

2.75.210 Demolition, relocation or significant alteration of a structure over 50 years old.

- A. No person shall demolish, relocate, or significantly alter a structure over 50 years old without first obtaining a certificate of appropriateness pursuant to this section. An application for the certificate shall be filed with the director. The director shall forward the application to the commission, which shall determine if the structure meets the criteria for a structure of merit or a landmark under this chapter.
 - B. The certificate of appropriateness shall be issued without further review if:
 - 1. The structure does not meet the criteria for either a structure of merit or a landmark under this chapter; or
 - 2. The structure meets the criteria for a structure of merit, but the application proposes only alteration or relocation of the structure; or
 - 3. The application proposes demolition, and the structural integrity of the structure or the site conditions would preclude relocation.
 - C. If the certificate is not issued pursuant to subsection B above, the commission may require an initial 45-day review period for the certificate if:
 - 1. The structure meets the criteria for a structure of merit, is used or was originally constructed as a residence, and the application proposes demolition; or
 - 2. The structure meets the criteria for a landmark.

During the 45-day review period, the commission shall investigate preservation of the structure, including retention or alteration consistent with the Secretary's Standards.
 - D. No later than the end of 45 days, the commission shall review the progress made towards preservation. If additional time is needed to accomplish preservation of the structure, the commission may impose an initial stay on issuance of the certificate not to exceed 180 days. The stay shall be terminated at any time if the commission determines that preservation is not feasible.
 - E. Prior to the end of the initial 180-day stay, the commission shall review again the progress made towards preservation. If preservation has not been accomplished, but the commission determines that it may be accomplished thereafter the commission may extend the stay for an additional period not to exceed 180 days, but only if the structure meets the criteria for a landmark. Such extension shall be supported by a finding that the extension is solely to allow the completion of acts reasonably likely to achieve preservation of the structure.
 - F. Prior to issuance of a certificate of appropriateness for demolition of a structure that meets the criteria for a landmark or a structure of merit, the applicant shall provide to the director, at the applicant's sole cost, complete photo-documentation of archival quality of the structure to be demolished. (Ord. 6610 § 2M, 1994; Ord. 6492 §§ 3--5, 1992; Ord. 6229 § 2 (part), 1987)
- 2.75.220 Replacement building for 50 year old structures.
- A. No permit to demolish a building or structure over 50 years old may be issued unless there has been issued a building permit for a replacement structure or project for the property involved. A building permit to establish a parking lot pursuant to Chapter 14.04 is not a building permit for a replacement structure or project within the meaning of this subsection.
 - B. An applicant for a demolition permit may apply to the commission for relief from the requirements of this section. The commission shall grant relief if it finds that demolition without replacement will not result in harm to the public. Harm to the public includes and shall be found if the loss of the structure without replacement results in the loss of low-income housing stock which will not be replaced, is likely to result in nuisance uses of the vacant property, or has a significant adverse visual impact on the neighborhood.
 - C. At the discretion of the director, an application under this section may be combined and processed concurrently with an application for a certificate of appropriateness. (Ord. 6683 § 5, 1996; Ord. 6610 § 2N, 1994; Ord. 6229 § 2 (part), 1987)
- 2.75.225 Special findings for unreinforced masonry buildings and structures.
- A. When reviewing applications for a certificate of appropriateness to demolish an unreinforced masonry building (a building constructed of unreinforced masonry bearing wall construction built prior to 1934), the commission may only deny a request to demolish a URM building if it makes all of the following findings:
 - 1. The building is a qualified historic building as defined in Section 14.06.020 of this code;
 - 2. Denial of the demolition request does not deny the owner all economically beneficial or productive use of the property.

- B. If the commission cannot make these findings, the building official shall issue the demolition permit being requested if it otherwise complies with the law governing the issuance of demolition permits.
- C. If demolition permission is not granted pursuant to the applicable procedure, the building must be retrofitted according to the schedule contained in Chapter 14.06 of this code. (Ord. 6560 § 3, 1993)

City of Redondo Beach

10-4.401. Actions requiring certificate of appropriateness.

- a. For landmarks or properties within an historic district, no person shall alter, restore, demolish, remove, or relocate any exterior improvement or architectural feature visible from any public right-of-way; or alter, restore, place, erect, remove, or relocate any permanent sign visible from a public right-of-way without being granted a certificate of appropriateness, except as provided under Article 6 of this chapter. Approval of such work shall be required even if no other permits or entitlements are required by the City.
- b. Minor alterations. The Commission may, by resolution, adopt a list of those types of alterations that are subject to approval of a certificate of appropriateness that are deemed to be "minor" in nature. The Commission may modify the list of minor alterations from time to time by resolution as circumstances warrant. Applications for certificates of appropriateness involving only minor alterations shall be reviewed pursuant to procedures in Section 10-4.402(E). (§ 2, Ord. 2554 c.s., eff. August 31, 1989, as amended by § 3, Ord. 2740 c.s., eff. March 23, 1995)

10-4.402. Review procedures for certificates of appropriateness.

The following procedures shall be followed in processing applications for certificates of appropriateness.

- a. Application. An application shall be filed by the applicant with the Preservation Commission.
- b. Application materials. Such application shall be accompanied by such materials as are required by the Commission and the Community Development Department that are reasonably necessary for the proper review of the proposed project.
- c. Noticing.
 - 1. Minor alterations. No public noticing shall be required for applications for certificates of appropriateness only minor alterations.
 - 2. All applications other than minor alterations. For applications involving other than minor alterations, public notice shall be provided as determined by resolution of the Preservation Commission. Such resolution shall include at a minimum that where the property is part of an historic district there shall be mailed notice not less than ten (10) days prior to the date of such hearing to persons owning all other properties within the historic district.
- d. Economic hardship. In cases where the applicant intends to seek approval on the basis of economic hardship, the following material shall be submitted as part of the application:
 - 1. For all property:
 - a. Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other method;
 - b. The amount paid for the property, the date of purchase and the party from whom purchased, including a description of the relationship, if any, between the owner and the person from whom the property was purchased;
 - c. Remaining balance on any mortgage or other financing secured by the property;
 - d. Estimated market value of the property both in its current condition, and after completion of the proposed demolition, relocation, or removal, to be presented through an appraisal by a qualified professional expert;
 - e. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of the structure and its suitability for rehabilitation;
 - f. An estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility or reuse of the existing structure on the property;

- g. The assessed value of the land and improvements thereon according to the two most recent assessments;
 - h. Real estate taxes for the previous two (2) years;
 - i. Annual debt service, if any, for the previous two (2) years;
 - j. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with his purchase, financing or ownership of the property;
 - k. All listing of the property for sale or rent, price asked and offers received, if any; and
 - l. Any consideration by the owner as to profitable adaptive uses for the property.
- 2. For income-producing property:
 - a. Annual gross income from the property for the previous two (2) years;
 - b. Itemized operating and maintenance expenses from the previous two (2) years;
 - c. Annual cash flow, if any, for the previous two (2) years.
- e. Review of applications involving minor alterations. Applications for certificates of appropriateness involving only minor alterations shall be reviewed by the Minor Alterations Subcommittee of the Commission, subject to the following provisions:
 - 1. The Minor Alterations Subcommittee shall complete its review and mail notice to the applicant within thirty (30) days of the date of the acceptance of a completed application of its decision to approve or conditionally approve the application or to forward the application to the Preservation Commission for a decision. The notice of decision shall state the findings and reasons relied upon in reaching the decision. The time limit for Subcommittee action may be extended upon the request or with the concurrence of the applicant.
- a. Decisions of the Minor Alterations Subcommittee to approve or conditionally approve an application must be by an affirmative vote of all members of the Subcommittee present. If there are any dissenting votes the application shall automatically be forwarded to the Preservation Commission for a decision unless the application is withdrawn by written request of the applicant.
 - 2. Where the decision of the Subcommittee is to conditionally approve the application, the decision of the Subcommittee shall be final and conclusive unless, within twelve (12) days of the date of notice of the decision, the applicant files with the Planning Division a written appeal setting forth all the points of disagreement with the Subcommittee.
 - 3. Where the application has been forwarded or appealed to the Preservation Commission, the application shall be heard by the Commission at its next available regular, special, or additional meeting, and the Commission shall complete its review and render a decision to approve, approve with conditions, or deny a certificate of appropriateness within forty-five (45) days of the initial hearing. Decisions of the Commission shall be in writing and shall state the findings and reasons relied upon in reaching the decision.
- f. Review of other applications. Applications for certificates of appropriateness other than for minor alterations shall be reviewed by the Preservation Commission, subject to the following provisions:
 - 1. The Commission shall complete its review and make a decision within seventy-five (75) days of the date of the acceptance of a completed application. The time limit for Commission action may be extended (1) upon the request or with the concurrence of the applicant; or (2) for failure of the applicant to provide any reasonable additional information or material requested by the Commission during the course of its review.
 - 2. Decisions of the Commission shall be in writing and shall state the findings and reasons relied upon in reaching the decision.
 - 3. For applications for all work other than to demolish or remove a landmark or structure located in an historic district, the Commission shall decide to approve, approve with conditions, or deny a certificate of appropriateness.
 - 4. For applications to wholly or partially demolish or remove a landmark, or structure located within an historic district, the Commission shall decide to approve a certificate of appropriateness or to initiate a period of delay prior to granting approval. The delay of approval shall not exceed ninety (90) days in the case of a landmark or contributing building within an historic district, or sixty (60) days in the case of a non-contributing building within an historic district. The length of the delay shall be determined in

- accordance with its intended purpose (e.g. compiling photographic records or arranging for removal to another site). Notice shall be provided to the City Council of actions by the Commission to initiate a period of delay. The City Council may extend any period of delay initiated by the Commission for up to an additional ninety (90) days for good cause, except in cases where the Commission has determined a condition of economic hardship to exist. If no alternative arrangements have been completed by the expiration of the period of delay or any extension thereof, certificate of appropriateness shall be issued without the need for further action by the Commission.
5. For applications seeking approval on the basis of a finding of economic hardship, the Commission shall first review the application on the basis of criteria contained in Sections 10-4.403(A) through (E). If the applicable conditions are determined to not exist, then the application shall be reviewed on the basis of the criteria contained in Section 10-4.403(F). Prior to making a final determination in such cases, the Commission shall have the authority to invoke a period of delay. Such a period of delay shall not exceed sixty (60) days for any alteration or for demolitions or removals of non-contributing buildings, or 120 days for demolitions or removals of contributing buildings. During this delay, the Commission shall investigate alternative means to allow for a reasonable use or return from the property, or to otherwise preserve the property. (§ 2, Ord. 2554 c.s., eff. August 31, 1989, as amended by § 4, Ord. 2740 c.s., eff. March 23, 1995)
- 10-4.403. Criteria for approval of certificates of appropriateness.
- The Minor Alterations Subcommittee, Commission, or the City Council upon appeal, shall issue a certificate of appropriateness only when it determines the following conditions to exist as applicable in each case:
- a. In the case of a landmark, the proposed work (other than demolition or removal):
 1. Conforms to the prescriptive standards adopted by the Commission; and
 2. Will not detrimentally alter, destroy or adversely affect any exterior improvement or exterior architectural feature; and
 3. Will retain the essential elements that make the resource significant.
 - b. In the case of all properties located within an historic district, the proposed work (other than demolition or removal):
 1. Conforms to the prescriptive standards adopted by the Commission; and
 2. Will not adversely affect the character of the district.
 - c. In the case of properties supporting contributing buildings within an historic district, the proposed work (other than demolition or removal):
 1. Will not detrimentally alter, destroy, or adversely affect any exterior improvement or exterior architectural feature; and
 2. Will retain the essential elements that make the resource significant.
 - d. In the case of construction of a new building, structure, or improvement on a site where a landmark is located or on a property within an historic district:
 1. The exterior of such improvements will not adversely affect and will be compatible with the external appearance of the existing designated improvements, buildings and structures on such site or within such district.
 - e. In the case of the whole or partial demolition or removal of a landmark or structure located within an historic district:
 1. The structure and/or site is a hazard to public health or safety and repairs or stabilization are not physically possible; or
 2. The site is required for a public use which will be of more benefit to the public than the historic resource, and there is no feasible alternative location for the public use; or
 3. Removal of the resource to another site is not feasible or practical; or
 4. For a building in an historic district, the proposed replacement structure will not detract from or adversely affect the character of the historic district; or
 5. For a partial demolition or removal, such action will not result in the loss of the essential elements that make the resource significant; or
 6. Any imposed delay of approval or extension thereof has expired.
 - f. In the case where the applicant has requested consideration for approval on the basis of economic hardship:

1. It is not feasible to remove the resource to another site or otherwise preserve it; and
2. The denial of the proposed work will work an immediate and substantial hardship on the applicant because of condition peculiar to the particular improvement; and
3. The property cannot be put to a reasonable use or the owner cannot obtain a reasonable economic return therefrom without approval of the proposed work. (§ 2, Ord. 2554 c.s., eff. August 31, 1989, as amended by § 5, Ord. 2740 c.s., eff. March 23, 1995)

10-4.404. Expiration of certificate of appropriateness.

A certificate of appropriateness shall lapse and become void eighteen (18) months (or shorter period if specified as a condition of approval) from the date of final approval, unless a building permit (if required) has been issued and the work authorized by the Certificate has commenced prior to such expiration date and is diligently pursued to completion. Upon request of the property owner, a Certificate of Appropriateness may be extended by the Preservation Commission for an additional period of up to twelve (12) months. The Preservation Commission may approve, approve with conditions, or deny any request for extension. (§ 2, Ord. 2554 c.s., eff. August 31, 1989)

10-4.405. Revocation of certificate of appropriateness.

A Certificate of Appropriateness may be revoked or modified for reasons of (1) noncompliance with any terms or conditions of the Certificate; (2) noncompliance with any provisions of this chapter; or (3) a finding of fraud or misrepresentation used in the process of obtaining the Certificate. Revocation proceedings may be initiated by motion of the Preservation Commission or City Council. Once revocation proceedings have been initiated, all work being done in reliance upon such Certificate or associated permits shall be immediately suspended until a final determination is made regarding the revocation. The decision to revoke a Certificate of Appropriateness shall be made by the Preservation Commission following a public hearing, with written notice provided to the property owner at least ten (10) days prior thereto. (§ 2, Ord. 2554 c.s., eff. August 31, 1989).

City of San Jose

13.48.210 Compliance required.

- A. No person shall perform any work or cause any work to be performed on a city landmark or in a city historic district except in compliance with the provisions of this chapter and pursuant to and in compliance with the terms and conditions of a permit issued thereunder, hereinafter called "historic preservation permit" or "HP permit", in addition to compliance with all other applicable laws and regulations. For purposes of this chapter, work shall include any and all of the following: Construction, reconstruction, alteration, basic color change, repair, rehabilitation, restoration, remodeling, or any other change to the exterior of any structure or any other similar activity. Work shall also include installation of new or additional pavement or sidewalks or the erection of new or additional structures. Work shall also include demolition, removal, or relocation of any structure or portion thereof.
- B. Notwithstanding the provisions of subsection A. of this section, minor work involving a site or structure within the Hensley Historic District may be allowed without an HP permit if such work does not alter the historic significance, use, intensity, general character, architectural style, circulation or other site function of the property. "Minor work" as used in this section, means repainting and repair or replacement of existing building materials with materials of the same size, shape, pattern and substance.
- C. Pursuant to and in accordance with the provisions of this chapter, the director of planning and the city council on appeal from a decision of said director may issue HP permits for any work described in subsection A. of this section.
- D. The building official shall maintain a current roster of proposed and designated landmarks and historic districts. When the building official receives an application for a building permit which indicates contemplated work on such landmark or structure, or property within an historic district, the building official shall require the applicant to obtain an HP permit prior to issuance of a building permit for such work if such permit is required. (Ords. 20884, 21704, 23408.)

13.48.230 Application to perform work -- Contents -- Fees.

- A. The owner or the authorized agent of the owner of a landmark or property in an historic district proposing to do any work on such landmark or on property in an historic district shall file an application for an HP permit with the director of planning.
 - B. All applications shall be on forms prescribed therefor by said director and shall contain or be accompanied by all information and documentation required thereby. Such information and documentation shall include but not be necessarily limited to the following:
 - 1. Name, address, telephone number of the owner and applicant, if other than owner;
 - 2. Address of the landmark or property within the district;
 - 3. Plans, photographs, renderings, working drawings and specifications showing, in such detail as the director of planning may determine, the existing and proposed exterior appearance -of the landmark, including but not limited to, the following, as applicable: Architectural design, nature and texture of materials, color, lighting, method of construction and landscaping, and any other items that may be affected by the work; and
 - 4. A site plan showing all existing buildings and structures and the proposed work.

The applicant may also, at the discretion of the director of planning or the city council on appeal, be required to file supplemental plans, specifications, drawings, photographs or other necessary and pertinent items.

The application shall be accompanied by a filing fee set forth in the schedule of fees established by resolution of council. Such fee shall be in addition to any other fees required by law. The application will not be accepted as complete by the director until all fees have been paid, and the environmental documentation required by CEQA and Title 21 of this code has been completed.
 - C. If due to the unique or unusual nature of the rehabilitation proposed, the director determines that it is necessary to utilize the advice and counsel of an expert consultant, such as an architectural historian, in order to fully evaluate the application, the applicant shall be given an opportunity to retain an expert who is satisfactory to the director. Failure to provide the services of a satisfactory expert may be grounds for denial of the application.
 - D. The original application which has been accepted as complete by said director shall be retained by said director who shall set a hearing thereon. The director may, at the same time, forward a copy of said application to the planning commission for its information. He shall, at the same time, forward a copy of said application to the historic landmarks commission for its review and comments. The historic landmarks commission shall, within forty-five days of acceptance by the director of said application as complete, notify the director of its comments and recommendations. The comments and recommendations of said commission shall be advisory only and shall not be binding on the director. No action shall be taken or permit issued by the director of planning during said forty-five-day review period unless he has received the comments and recommendations of the historic landmarks commission. (Ords. 20884, 21291, 21704.)
- 13.48.240 Action by director or city council.
- A. In taking action on an application for an HP permit, the director or the council on appeal shall consider the comments and recommendations of the historic landmarks commission as well as hear and consider all evidence presented to him or it at the public hearings. The director or the council on appeal shall also consider, among other things, the purposes of this chapter, the historic architectural value and significance of the landmark or of the district, the texture and material of the building or structure in question or its appurtenant fixtures, including signs, fences, parking, site plan, landscaping, and the relationship of such features to similar features of other buildings within an historic district, and the position of such buildings within an historic district, and the position of such building or structure in relation to the street or public way and other buildings or structures.
 - B. If the director or the council on appeal finds that, subject to such conditions as they may impose, the work will not be detrimental to an historic district or to a structure or feature of significant architectural, cultural, historical, aesthetic, or engineering interest or value and is consistent with the spirit and purposes of this chapter, the director or the council on appeal shall issue such HP permit subject to such conditions as they deem reasonably necessary to secure the purposes of this chapter.

- C. If the director or the council on appeal finds that the work will be detrimental to an historic district or to a structure or feature of significant architectural, cultural, historical, aesthetic or engineering interest or value or is inconsistent with the purposes of this chapter, despite any conditions that the director or the council on appeal may impose, the director or the council on appeal shall deny such HP permit, except as provided in Section 13.48.260. (Ord. 20884.)

13.48.250 Design criteria.

- A. This part shall apply only to the exterior portions of landmarks or structures in historic districts and shall not apply to the interior portions thereof unless the director or city council on appeal finds that the structure cannot be preserved without preserving the interior, in which event, the director or city council on appeal shall exercise as little control over the interior as necessary to the preservation.
- B. The director shall develop design standards and guidelines in consultation with the historic landmarks commission. Said standards and guidelines shall be subject to the approval of the city council. Said standards and guidelines shall be kept on file at the office of the director of planning for use and examination by the public.
- C. In making the determination required by Section 13.48.240, the application shall be reviewed in accordance with the approved standards and guidelines. (Ords. 20884, 21704.)

13.48.260 Hardship.

- A. If the director or the council on appeal is unable to make the findings required under Section 13.48.240 for issuance of an HP permit, either with or without conditions, the director or the council on appeal may nevertheless issue an HP permit, either with or without conditions, if the director or the council on appeal finds that denial of the HP permit would cause immediate and substantial hardship on the applicant because rehabilitation in accordance with the chapter is infeasible from a technical, mechanical, or structural standpoint, or if the economics of rehabilitation in accordance with this chapter would require an unreasonable expenditure in light of the feasible uses of such property.
- B. Before a permit for removal, relocation, or demolition is granted under this section, the application may be suspended by the director or the city council on appeal for a period of up to one hundred eighty days in order that such steps may be taken as are reasonably likely to result in the preservation of the building or structure involved. These efforts may include consultation with civic groups, public agencies, and interested citizens, and the exploration of possible acquisition. (Prior code § 8963; 13.48.170; Ord. 20884.)

13.48.270 Time for director's action -- Appeal.

- A. The director of planning shall act on such application within sixty days after the acceptance of said application is complete or within fifteen days after his receipt of the comments and recommendations of the historic landmarks commission, whichever is sooner. The applicant may, at any time prior to the director's hearing, request in writing an extension of time in order to enable him to submit additional or amended documentation. Such extension will grant the applicant a period of thirty days, during which period the time for the director's action under this section shall be tolled. Only one such extension shall be granted. If the director fails to take action within the time above provided, the director shall not thereafter take action, and the application shall be deemed denied and such denial shall be deemed to be appealed to the city council by the applicant.
- B. Before the director may take action on the application, he must conduct at least one public hearing thereon. He may, before taking action, conduct more than one public hearing.
- C. Any action taken by the director shall be in writing and shall be filed by him in his office. At the time he files the same, he shall mail notice thereof to the applicant and to all other persons who, in writing on a form provided by the director, have requested such notice. A separate request for notice must be filed for each structure within an historic district and for each landmark.
- D. Any action taken by the director may be appealed to the city council by the applicant or any person who is a taxpayer of the city of San Jose, within the meaning of Section 526a of the Code of Civil Procedure of the state of California, by filing with the director a written notice of appeal within ten days after the action of the director is filed.

- E. The action of the director shall not be final during said ten-day period and unless a notice of appeal therefrom is filed within said ten-day period, the action of the director is final and the proceedings shall terminate at the conclusion of said ten-day period. No HP permit issued by the director shall have any force or effect prior to the time that his action issuing the same shall have become final. If, within said ten-day period, a notice of appeal from the action of the director is filed, then, in such event, the action of the director shall not become final and his action shall, on the filing of such notice within said ten-day period, become null and void, the proceedings shall not terminate at the conclusion of said ten-day period, and the matter shall come before the city council for action.
- F. Within five days after the filing of a timely notice of appeal from the director's action, or within five days after the expiration of the time above provided within which the director may take action, the director shall file with the city clerk a copy of the application together with copies of the notice of appeal and of the vacated action of the director or his written statement that the matter is on appeal by reason of his failure to take action within the time required. (Ords. 20884, 21704.)

13.48.280 Council action -- Finality.

- A. The council on appeal shall conduct at least one public hearing on the matter. However, before taking action, the council may conduct more than one public hearing. Council consideration of the appeal shall be de novo.
- B. After it has conducted at least one public hearing thereon, the council may take action on the matter. Any action taken by the council shall be by written resolution. The action of the council shall be final. The city clerk shall mail notice thereof to the appellant and the applicant, if different than the appellant, and to all other persons who, in writing on a form provided by said clerk, have requested such notice. (Ord. 20884.)

13.48.290 Hearings.

- A. Whenever any hearings are conducted in any proceedings under this part for an HP permit, notice of the time, place and purpose thereof shall be given by publication in a newspaper of general circulation in the city at least ten days before the date of said hearing and by mailing the same to the applicant, postage prepaid, at the address shown for such purpose on his application at least ten days before the date of said hearing.
Said notice shall also be mailed at least ten days before the date of said hearing, postage prepaid, to all persons who have requested such notice in accordance with subsection C of Section 13.48.270.
- B. The director of planning shall set the date for all hearings conducted by him in all proceedings under this chapter. The date of any such hearing shall be not less than fifteen days after the date of the filing of the documents required to be filed under Section 13.48.230 and shall be within the time allowed for director's action under subsection A of Section 13.48.270.
- C. The city clerk shall set the date of the first hearing conducted by the council in all proceedings for issuance of HP permits under this chapter. The date of said first hearing shall be not less than fifteen nor more than forty days from and after the date the director files with the council the documents required to be filed with him under subsection F of Section 13.48.270. If the council conducts more than one hearing in any proceeding, the date of all subsequent hearings after the first shall be set by the council.
- D. If the council takes action on the matter within thirty days after it completes its first hearing thereon, then on the taking of such action, the proceedings shall terminate forthwith. If the council fails to take action within such thirty-day period, it shall not thereafter do so and the proceedings shall terminate at the conclusion of said thirty-day period and upon such termination of proceedings the appeal shall be deemed denied, except that at any time prior to the expiration of the thirty-day period and before the council has taken action, the applicant may request that council extend the time period in order to enable him to submit additional or amended documentation. Such extension, if authorized by council, will grant the applicant a period of thirty days during which period time for council action shall be tolled. Only one such extension may be granted. (Ords. 20884, 21704.)

The purpose of this permit is to ensure that no person shall demolish or cause to be demolished any building listed on the Santa Cruz Historic Building Survey, any designated historic landmark or any building in an historic overlay district without approval of an historic demolition permit.

(Ord. 86-13 § 3 (part), 1986; Ord. 85-05 § 1 (part), 1985).

24.08.1010 Demolition of buildings Listed in the Historic building Survey.

[Editor's Note: See Sections 24.08.1012 and 24.08.1014.]

24.08.1012 Demolition of buildings Listed in the Historic building Survey - Procedure.

1. Any person desiring to demolish a building listed on the Santa Cruz Historic Building Survey shall first file an application for a historic demolition permit with the planning department. Demolition of any such building may be approved only in connection with an approval of a replacement project. In case of a residential use, Part 14 of this chapter (Residential Demolition/Conversion) shall also apply.

2. The historic preservation commission shall hold a public hearing and shall take one of the following actions:

- a. Approve Permit. The historic preservation commission may approve the historic demolition permit in conformance with the provisions of Part 14 of this chapter.
- b. Approve Permit, Subject to a Waiting Period of Up to One Hundred Twenty Days to Consider Relocation/Documentation.
 1. During the waiting period, the applicant shall advertise the proposed demolition in a paper of general circulation in the city of Santa Cruz, at, least twice during the first, thirty days following the action by the historic preservation commission. Such advertisement shall include the address at which the structure proposed for demolition is located, information as to how arrangements can be made for relocation, and the date after which a demolition permit may be issued. Evidence of this publication must be submitted to the zoning administrator prior to issuance of a demolition permit.
 2. During the waiting period, the historic preservation commission may investigate preservation alternatives such as photographing the building and gathering related historical data.
- c. Continue for Up to One Hundred Eighty Days to Consider Designation as Landmark, or Other Alternatives to Demolition.
 1. During the continuance period, the historic preservation commission may investigate relocation of the building on site or modification of the building for future uses in a way which preserves the architectural and historical integrity of the building.
 2. During the continuance period, the historic preservation commission may initiate an application for a landmark designation for the building and/or site.
 3. If the city council fails to designate the structure as an historic landmark within the one hundred eighty days, the demolition permit shall be issued.
 4. This continuance may be appealed.
- d. Deny Permit. (Ord. 91-12 § 1, 1991; Ord. 86-13 § 3 (part), 1986; Ord. 85-05 § 1 (part), 1985).

24.08.1014 Demolition of buildings Listed in the Historic building Survey - Findings.

1. Prior to approval or modified approval, the historic preservation commission shall find that:
 - a. The action proposed is consistent with the purposes of historic preservation as set forth in Section 24.12.400 of this title and in the Cultural Resources Element of the General Plan; or
 - b. The applicant has demonstrated that the action proposed is necessary to correct an unsafe or dangerous condition on the property pursuant to Section 24.08.1040; or
 - c. The applicant has demonstrated the denial of the application will result in immediate and substantial economic hardship; or
 - d. There are no reasonable alternatives to the demolition as of the time of the hearing.
2. Prior to denial, the historic preservation commission shall find that:
 - a. There are reasonable alternatives to the demolition as of the time of the hearing as demonstrated by specific facts in the record. (Ord. 94-33 § 23, 1994; Ord. 91-12 § 2, 1991; Ord. 86-13 § 3 (part), 1986; Ord. 85-05 § 1 (part), 1985).

24.08.1020 Demolition of Designated Historic Landmarks.

[Editor's Note: See Sections 24.08.1022 and 24.08.1024.]

24.08.1022 Demolition of Designated Historic Landmarks - Procedure.

1. Any person desiring to demolish a designated historic landmark shall first file an application for a historic demolition permit with the planning department. Demolition of any such building may be approved only in connection with an approval of a replacement project. In case of residential use, Part 14 of this chapter (Residential Demolition/Conversion) shall also apply.
2. The historic preservation commission shall hold a public hearing and shall take one of the following actions:
 - a. Approve Permit. The historic preservation commission may approve the historic demolition permit in conformance with the provisions of Part 14 of this chapter.
 - b. Approve Permit, Subject to a Waiting Period of Up to One Hundred Twenty Days to Consider Relocation/Documentation.
 1. During the waiting period, the applicant shall advertise the proposed demolition in a paper of general circulation in the city of Santa Cruz, at least twice during the first thirty days following the action by the historic preservation commission. Such advertisement shall include the address at which the structure proposed for demolition is located, information as to how arrangements can be made for relocation and the date after which a demolition permit may be issued. Evidence of this publication must be submitted to the zoning administrator prior to issuance of a demolition permit.
 2. During the waiting period, the historic preservation commission may investigate preservation alternatives such as photographing the building and gathering related historical data.
 - c. Continue for Up to One Hundred Eighty Days to Consider Other Alternatives to Demolition.
 1. During the continuance period, the historic preservation commission may investigate relocation of the building on site or modification of the building for future uses in a way which preserves the architectural and historical integrity of the building.
 2. This continuance may be appealed.
 - d. Deny Permit. (Ord. 91-12 § 3, 1991; Ord. 86-13 § 3 (part), 1986; Ord. 85-05 § 1 (part), 1985).

24.08.1024 Demolition of Designated Historic Landmarks - Findings Required.

Same as those set forth in Section 24.08.1014 of this part. (Ord. 86-13 § 3 (part), 1986; Ord. 85-05 § 1 (part), 1985).

24.08.1030 Demolition of buildings or Structures in the Historic Overlay District.

When demolition is proposed for a building or structure that is neither a designated landmark nor a Historic Building Survey building but is in an historic district, the following procedure applies. An historic demolition permit for a building in an historic district shall be approved only in connection with an historic alteration permit for a replacement project. (Ord. 86-13 § 3 (part), 1986; Ord. 85-05 § 1 (part), 1985).

24.08.1032 Demolition of buildings or Structures in the Historic Overlay District - Procedure.

A public hearing shall be held by the historic preservation commission. (Ord. 86-13 § 3 (part), 1986; Ord. 85-05 § 1 (part), 1985).

24.08.1036 Demolition of buildings or Structures in the Historic Overlay District - Findings Required.

Same as those set forth in Section 24.08.1014 of this part. (Ord. 86-13 § 3 (part), 1986; Ord. 85-05 § 1 (part), 1985).

City of Santa Monica

9.36.140 Alterations and demolitions: Criteria for issuance of a certificate of appropriateness.

For purposes of this Chapter, the Landmarks Commission, or the City Council on appeal, shall issue a certificate of appropriateness for any proposed alteration, restoration, construction, removal, relocation, demolition, in whole or in part, of or to a Landmark or Landmark Parcel, or of or to a building or structure within a Historic District if it makes a determination in accordance with any one or more of the following criteria.

- a. In the case of any proposed alteration, restoration, removal or relocation, in whole or in part, of or to a Landmark or to a Landmark Parcel, the proposed work would not detrimentally change, destroy or adversely affect any exterior feature of the Landmark or Landmark Parcel upon which such work is to be done.
 - b. In the case of any proposed alteration, restoration, construction, removal or relocation, in whole or in part, of or to a building or structure within a Historic District, the proposed work would not be incompatible with the exterior features of other improvements within the Historic District, not adversely affect the character of the Historic District for which such Historic District was designated, or not be inconsistent with such further standards as may be embodied in the ordinance designating such Historic District. For any proposed work to any building or structure whose exterior features are not already compatible with the exterior features of other improvements within the Historic District, reasonable effort shall be made to produce compatibility, and in no event shall there be a greater deviation from compatibility.
 - c. In the case of any proposed construction of a new improvement upon a Landmark Parcel, the exterior features of such new improvement would not adversely affect and not be disharmonious with the exterior features of other existing improvements situated upon such Landmark Parcel.
 - d. The applicant has obtained a certificate of economic hardship in accordance with Section 9.36.160.
 - e. The Commission makes both of the following findings:
 - 1. That the structure does not embody distinguishing architectural characteristics valuable to a study of a period, style, method of construction or the use of indigenous materials or craftsmanship and does not display such aesthetic or artistic quality that it would not reasonably meet the criteria for designation as one of the following: National Historic Landmark, National Register of Historic Places, California Registered Historical Landmark, or California Point of Historical Interest.
 - 2. That the conversion of the structure into a new use permitted by right under current zoning or with a conditional use permit, rehabilitation, or some other alternative for preserving the structure, including relocation within the City, is not feasible.
 - f. In the case of any proposed alteration, restoration, removal or relocation, in whole or in part, to interior public space incorporated in a landmark designation pursuant to Section 9.36.110, the proposed work would not detrimentally change, destroy or adversely affect any interior feature of the landmark structure. (Prior code § 9610; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1083CCS, adopted 2/28/78; Ord. No. 1590CCS § 1, adopted 7/23/91)
- 9.36.150 Certificate of appropriateness for structures of merit.
- a. A certificate of appropriateness shall not be required for the alteration, restoration, construction or relocation of a Structure of Merit. However, the Architectural Review Board or the Planning Commission shall take into consideration the fact that the building has been designated a Structure of Merit in reviewing any permit concerning such structure.
 - b. Application for a certificate of appropriateness for the demolition of a Structure of Merit shall be made on a form furnished by the Planning Division. An application shall be processed in accordance with the same procedures set forth in Sections 9.36.170 and 9.36.180 of this Code.
 - c. In an effort to agree to a means of historically preserving a Structure of Merit proposed for demolition, the Landmarks Commission shall have the following powers:
 - 1. During a one hundred and eighty day time period commencing from proper filing of an application for certificate of appropriateness, the Commission may negotiate with the owner of a Structure of Merit, or with any other parties, in an effort to agree to a means of historically preserving the designated property. The negotiations may include, but are not limited to, acquisition by gift, purchase, exchange, condemnation or otherwise of the Structure of Merit.
 - 2. Notwithstanding any of the foregoing, the Commission shall have the power to extend the required one hundred and eighty day time period to a duration not to exceed a three hundred and sixty day time period in any case where the Commission determines that such an extension is necessary or appropriate for the continued historical preservation of

a Structure of Merit. (Prior code § 9610.1; added by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.170 Certificate of appropriateness/certificate of economic hardship procedure.

An application for a certificate of appropriateness or an application for a certificate of economic hardship approving any proposed alteration, restoration, construction, removal, relocation, or demolition, in whole or in part, of or to a Landmark or Landmark Parcel, or of or to a building or structure within a Historic District shall be processed in accordance with the following procedure:

- a. Any owner of a Landmark, or of a building or structure within a Historic District, may request the issuance of a certificate of appropriateness or certificate of economic hardship by properly filing with the Director of Planning an application for such certificate of appropriateness or certificate of economic hardship on a form furnished by the Planning Division. Each application for a certificate of appropriateness or certificate of economic hardship shall include such plans, specifications, statements of work, and any other information which are reasonably required by the Landmarks Commission to make a decision on any such proposed work. An application shall be deemed complete within thirty days after the Planning Division receives a substantially complete application together with all information, plans, specifications, statements of work, and any other materials and documents required by the appropriate application forms supplied by the City. If, within the specified time period, the Planning Division fails to advise the applicant in writing that his or her application is incomplete and to specify additional information required to complete that application, the application shall automatically be deemed complete.
- b. The Director of Planning shall schedule a public hearing to be held within forty-five days of the date on which an application for a certificate of appropriateness or certificate of economic hardship and shall make a preliminary recommendation to the Commission on or before the date scheduled for a public hearing as to the appropriateness and qualification of the application for a certificate of appropriateness or certificate of economic hardship.
- c. Not more than twenty days and not less than ten days prior to the date scheduled for a public hearing, notice of the date, time, place and purpose thereof shall be given by at least one publication in a daily newspaper of general circulation, shall be mailed to the applicant, and to the owners and residents of all real property within three hundred feet of the exterior boundaries of the Landmark Parcel upon which a Landmark is situated in the case of any proposed work to a Landmark, or within three hundred feet of the exterior boundaries of the lot or lots on which a building or structure within a Historic District is situated in the case of any proposed work to a building or structure within a Historic District, using for this purpose the names and addresses of such owners as are shown on the records of the City Clerk. The failure to send notice by mail to any such real property owner where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed designation. The Commission may also give such other notice as it may deem desirable and practicable.
- d. The Commission shall have up to six months, or one year if the project requires an Environmental Impact Report, to render a decision on the certificate application. If the Commission does not render a decision within this time period, then the certificate application shall be automatically deemed approved. Notwithstanding the foregoing, the Commission may mutually agree with the applicant for a certificate of appropriateness or certificate of economic hardship to extend the six months or one year time period in which the Commission must take action to another time period which is mutually agreeable. The time period provided for in this Section shall be extended by the time period provided for in Section 9.36.160(d) when applicable.
- e. The decision of the Commission shall be in writing and shall state the findings of fact and reasons relied upon to reach the decision, and such decision shall be filed with the Director of Planning.
- f. Subject to the provisions of Section 9.36.180 of this Chapter, upon the rendering of such decision to approve an application for a certificate of appropriateness or certificate of economic hardship, the Commission shall issue the certificate of appropriateness or certificate of economic hardship within a reasonable period of time and such issued certificate

of appropriateness or certificate of economic hardship may be obtained by the applicant from the Planning Division.

- g. Subject to other provisions of this Section 9.36.170 and Section 9.36.180 of this Chapter, a decision of the Commission shall be in full force and effect from and after the date of the rendering of such decision by the Commission. A certificate of economic hardship may be appealed to the City Council in the same manner and according to the same procedures as for a certificate of appropriateness.
- h. Subject to other provisions of this Section 9.36.170, a certificate of appropriateness or certificate of economic hardship shall be in full force and effect from and after the date of the issuance by the Commission. Any certificate of appropriateness or certificate of economic hardship issued pursuant to this Chapter shall expire of its own limitation within a one hundred eighty day time period. In addition, any such certificate of appropriateness or certificate of economic hardship shall also expire and become null and void if such work authorized is suspended or abandoned for a one hundred eighty day time period after being commenced.
- i. The Commission shall have the power, after a public hearing, to amend, modify or rescind any decision to approve, in whole or in part, an application for a certificate of appropriateness or certificate of economic hardship and to make any preliminary or supplemental designations, determinations or decisions, as additions thereto.
- j. The Commission shall determine the instances in which cases scheduled for public hearing may be continued or taken under advisement. In such instances, no new notice need be given of the further hearing date, provided such date is announced at the scheduled public hearing.
- k. The following rules shall limit the resubmittal of an application for a certificate of appropriateness or certificate of economic hardship:
 - 1. Whenever an application for a certificate of appropriateness or certificate of economic hardship for demolition has been disapproved or deemed disapproved by the Commission, or by the City Council on appeal, no application which is the same or substantially the same as the one which has been disapproved shall be resubmitted to or reconsidered by the Commission or City Council for a period of five years from the effective date of the final action upon the prior application. A certificate of appropriateness or certificate of economic hardship for demolition may be refiled at any time during the five year period provided that the applicant submits significant additional information which was not and could not have been submitted with the previous application. A refiled application shall be processed in the manner outlined in Section 9.36.170. Under this provision, should the applicant still seek to demolish the landmark structure after the five year period has expired, a new and separate certificate of appropriateness or certificate of economic hardship application would be required to be refiled. This application shall be subject to the same conditions as the prior application.
 - 2. Whenever an application for a certificate of appropriateness or certificate of economic hardship for other than demolition has been disapproved or deemed disapproved by the Commission, or by the City Council on appeal, no application which is the same or substantially the same as the one which has been disapproved shall be resubmitted to or reconsidered by the Commission or City Council within a period of one hundred eighty days from the effective date of the final action upon such prior application. A certificate of appropriateness or certificate of economic hardship for other than demolition may be refiled at any time during the one hundred eighty day period provided that the applicant submits significant additional information, which was not and could not have been submitted with the previous application. A refiled application shall be processed in the manner outlined in Section 9.36.170. Under this provision, should the applicant still seek approval for other than the demolition of a landmark structure after the one hundred eighty day period has expired, a new and separate certificate of appropriateness or certificate of economic hardship application would be required to be refiled. This application shall be subject to the same conditions as the prior application. (Prior code § 9611; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1429CCS, adopted 12/8/87; Ord. No. 1590CCS § 1, adopted 7/23/91)